

# ACLU magazine

FOR PASSIONATE GUARDIANS OF CIVIL LIBERTIES

## The Impossible

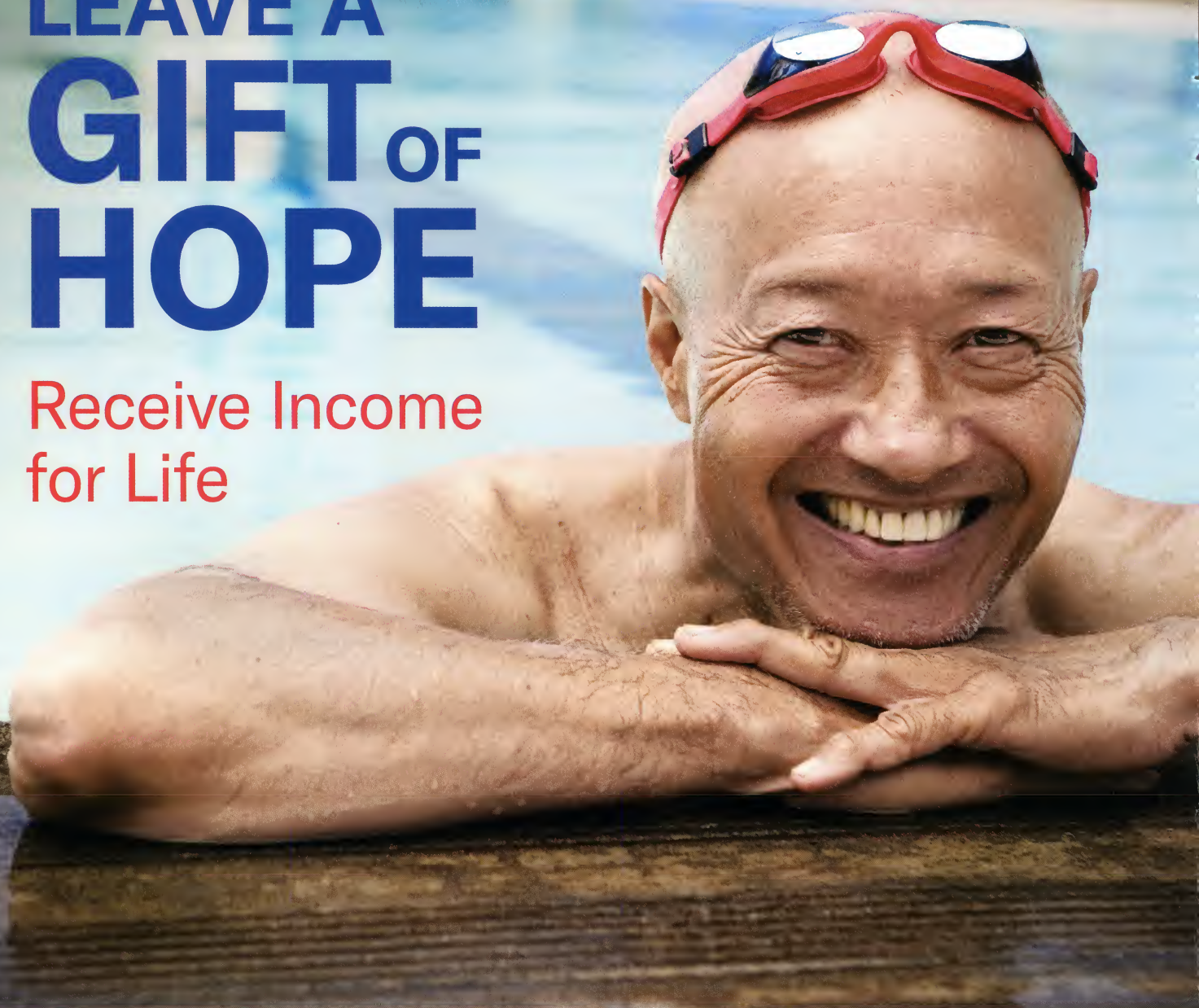
The children of immigrants face an unbearable decision: leave the U.S. or stay without their parents.

## Choice



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**ACLU**



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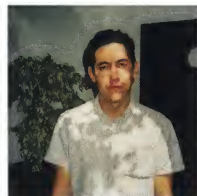
A historic photo from a sit-in that revolutionized disability rights.



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**Contributors**

**Tasbeeh Herwees** is a writer and producer in Los Angeles. She has written for *GQ*, *The Fader*, and *Vice*, among other publications.



**Christopher Gregory** is a Puerto Rican photographer based in New York City. His personal work focuses on the consequence of colonialism in the Caribbean.

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**“Behind every complex legal, legislative, or policy battle, there are stories to tell and real lives that deserve to be recognized.”**

**W**hen it comes to who counts in Trump’s America, vulnerable communities are usually at the bottom of the list. That’s what makes passage last year of the First Step Act, the most significant federal criminal justice reform legislation in a generation, so extraordinary and so heartening.

Passed with overwhelming bipartisan support by Congress, thanks to the efforts of a range of ideologically diverse advocates, including the ACLU, the Fraternal Order of Police, and the National Association of Evangelicals, the First Step Act expands opportunities for rehabilitation, reduces mandatory minimum sentences for some drug-related crimes, and formally bans abhorrent practices such as the shackling of pregnant women and the use of solitary confinement for juveniles. The legislation is overdue progress

toward fixing a broken criminal legal system that has destroyed too many lives—disproportionately black—and a reminder that positive change can happen even in the most politically fractured times.

Consider this issue a road map, then, for the change that still needs to happen. That behind every complex legal, legislative, or policy battle, there are stories to tell and real lives that deserve to be recognized.

In **“The Citizenship Question,”** p. 10, we examine the ACLU’s fight to prevent the Trump administration from adding a citizenship question to the 2020 census, which would result in an undercount of millions of people. Turn to **“Fleeing Protection,”** p. 16, to learn more about the families affected by the administration’s efforts to terminate decades-old protections for immigrants who arrived from countries where conditions were deemed too dangerous to return. And in **“Dismantling Roe,”** p. 24, we run down the recent state abortion bans that threaten to overturn *Roe v. Wade* and update you on what the ACLU and states like New York are doing to counter the threat.

No matter what’s ahead, the ACLU will continue to fight for your constitutional rights—and ensure everyone counts.

**Anthony D. Romero**  
Executive Director



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The Winter 2019 issue of *ACLU Magazine* includes a feature on three landmark ballot initiatives that restored voting rights to millions.



## Re: "Activists in Conservative Country"

*[I] enjoyed the entirety of the Winter 2019 issue. Especially inspiring were the stories of volunteers in conservative states. As a resident of Texas, I understand what it's like to buck the prevailing political winds [on] voting rights, equal justice, and civil liberties. I upped my contribution to the ACLU this year because I saw the impact we had on ballot initiatives. Thank you for spreading the word and providing inspiration to folks like me.*

Brad Wolbert  
Austin, TX

## Re: Magazine redesign

*Your new magazine is outstanding. The editorial choices, the writing, and the design are all first-rate. What strikes me is how the magazine's design results in so much coherence in 36 pages. The result is a publication that does a splendid job of representing a fine organization, one I'm proud to support in a very modest way.*

Paul O'Shea  
Fairfax, VA

## Re: "The Era of the ACLU Voter"

*I was surprised to see that Michigan Proposal 3 (expanding the number of eligible voters in that state) included a provision for straight-ticket party voting. The ability to mark one check on a ballot—and vote for all the candidates of one party—increases the risk that voters will [elect] candidates they would not like if they looked at [their] individual records. More importantly, perhaps, it also serves as a detriment to third-party candidates.*

Tom Borchert  
Huntsville, AL

## Re: "Into Action"

*As usual, your magazine contained wonderful and cogent articles. I appreciate it and your work very much. But your magazine also contained...examples of sexist language. [On page 34], you say that Busi Mhlango "manned tables." I doubt that very much. There are plenty of words for staffing a table. There's no need to make her a man.*

Isabel Auerbach  
Rohnert Park, CA

**We love your feedback!** Let us know what you think about this issue: [ACLUMagazine@aclu.org](mailto:ACLUMagazine@aclu.org)







# FRONT LINE



The Trump administration illegally diverted funds to build a wall at the U.S.-Mexico border, seen here near El Paso, Texas.

## PRIORITIES

### A Ruinous Wall

The president's abuse of power threatens 2,000 miles of community and landscape.

**When President Trump** declared a national emergency in February to redirect more than \$6 billion in military funds for border wall construction without congressional approval, the ACLU immediately filed suit on behalf of the Sierra Club and the Southern Border Communities Coalition, whose members live in and protect the targeted lands. In late June, a federal judge permanently blocked part of the administration's funding plan, ruling that the president's efforts were unlawful. The ruling is "a win for our system of checks and balances...and border communities," says Dror Ladin, staff attorney with the ACLU's National Security Project, who argued the case. "If the administration begins illegally diverting additional military funds, we'll be back in court to block that as well."

Often lost in the fight over the constitutional issues at stake is the ruinous impact an unnecessary and immoral wall would have on the rich community along



CONTINUED FROM PAGE 5

the 1,954-mile border. It would leave an existential scar across one of the most biologically diverse landscapes in the country. For every mile of wall, at least 20 acres of native habitat would be destroyed; light pollution would negatively affect plants, bats, insects, birds, and crepuscular mammals; and migration patterns for everything from endangered Mexican gray wolves to pygmy owls would be disrupted throughout Arizona, New Mexico, and Texas.

Beyond its environmental impact, the wall would violate the civil liberties of longtime residents of the region. The seizure of private property via eminent domain would remove families from homes owned for generations; increased flooding caused by debris trapped in new vertical barriers would result in millions of dollars in damage to local businesses; and communities would be cut off from places of worship, schools, and cemeteries. “There’s no environmental review, no protection for Native Americans’ grave sites—it’s just on and on,” says Gloria Smith, managing attorney with the Sierra Club’s Environmental Law Program. “The administration waives every conceivable law so that they can immediately mobilize and start plowing up the borderlands.”

For instance, the congregation of La Lomita Chapel, a historic Texas mission first built in 1865, would lose access to its church. The government’s efforts to secure border fencing across the property would condemn the structure to a narrow swath between the wall and the Rio Grande, effectively cutting it off from parishioners in the town of Mission. “The wall would be an obscene desecration of our beloved space, insulting our culture and breaking our hearts,” says parish priest Father Roy Snipes.

“It’s really unbelievable,” says Marianna Wright, executive director of the National Butterfly Center, a Texas wildlife refuge that has been targeted by government contractors, “when you grow up in America and you’re fed a steady diet of liberty and civil rights, and then you learn none of those things apply.” Legal efforts and the resolve of those affected are essential to preserving that liberty—and that unscarred landscape—for all. —JAY A. FERNANDEZ

### Add Your Name

Sign the petition to say “no” to Trump’s plan for a wall that would harm border communities and undermine our democracy.

To support this petition, visit [aclu.org/wall](https://aclu.org/wall).



## Voting Rights in Dodge City

How teen activist Alejandro Rangel-Lopez fought his hometown’s efforts to disenfranchise a community.

**In September 2018**, lifelong Dodge City, Kansas, resident Alejandro Rangel-Lopez was about to turn 18 and vote for the first time. When the county clerk suddenly shuttered the only polling site and opened a different one outside of town, the student council president became co-plaintiff with the League of United Latin American Citizens in an ACLU lawsuit to block the disenfranchisement of the city’s minority-majority population. Under pressure from litigation and local advocacy, the county clerk ultimately agreed to open two new accessible polling places. Rangel-Lopez, who’s the child of Mexican immigrants, plans to continue his activism when he starts at the University of Kansas in the fall.

PHOTOGRAPHS BY GUARIONEX RODRIGUEZ JR.





**What prompted you to get involved as an activist?**

My parents have always told me, if you can make a difference in the world you should take the opportunity and fight for those who don't have a voice. Dodge City is minority-majority. A lot of people in positions of power in the school, the city, and the county are not people of color. We should have at least one person in a position of leadership.

**When the county clerk closed the main polling station, how did voters respond?**

When I first found out, I was at the high school doing voter registration during parent-teacher conferences. The reason we were

so worried about it being moved to the Expo Center was because it was located outside city limits, totally out of the way for most people who live in Dodge City. And there was no direct public transportation available.

**Were you worried about being so public as a plaintiff in the case?**

Oh, absolutely. I had never expected at a young age to be involved in any kind of lawsuit. Dodge City has the mindset of a small town when it involves any criticism of city or county leadership. I was worried I was going to be singled out or treated differently.

**Has this experience affected your feelings about voting?**

The voting rights issue always felt very distant, but it happens in big and small communities, in red states and blue states. The issue exists everywhere. And we can't wait for other people to fight those battles for us, to fight for what's right and make sure everyone who is eligible to vote has access. Regardless of my background or my age, I was able to make a difference in my community. And that goes for anybody across the country. —J.A.F.



Above and left: Alejandro Rangel-Lopez stopped a county clerk from disenfranchising the voters of his hometown of Dodge City, Kansas.



**About Face**

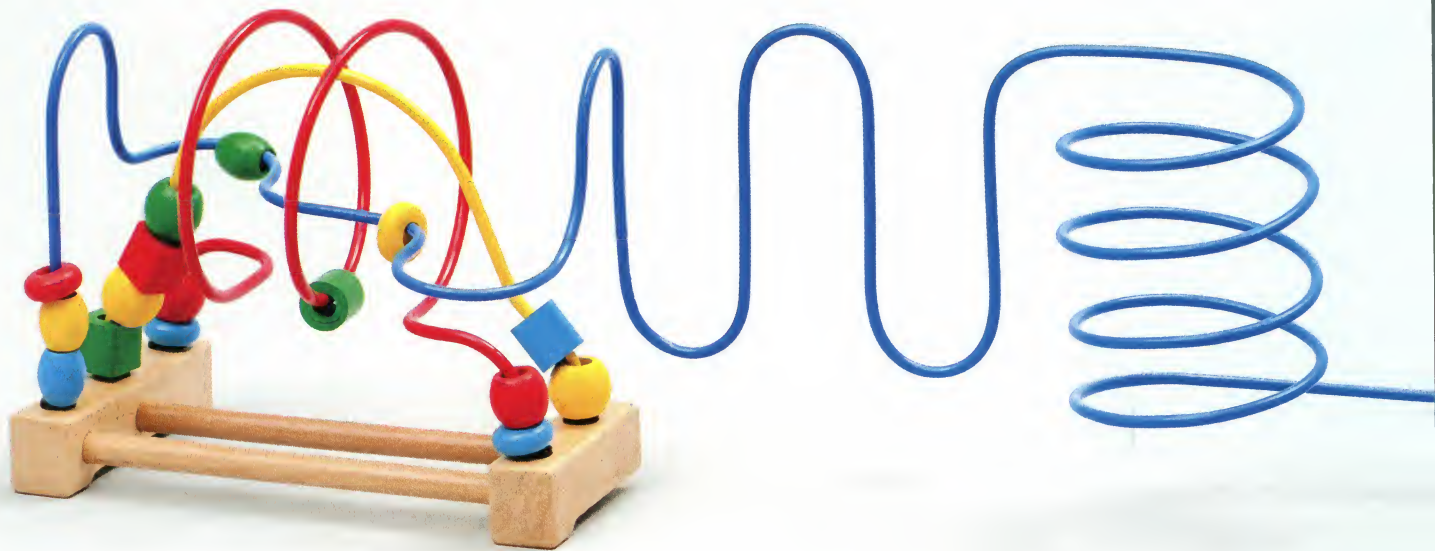
The adoption of facial recognition technology to monitor your identity and movements is commonplace among local law enforcement. This invasive surveillance happens without federal oversight, often leads to biased, false results, and disproportionately impacts people of color.

"It really gives the government unprecedented power to track people and surveil who we are, where we go, what we do, and who we know," says Nicole Ozer, technology and civil liberties director at the ACLU of California.

In a Brookings Institution survey, 80 percent of respondents support some regulation of facial surveillance technology. The ACLU's advocacy for landmark legislation in Washington state, Massachusetts, and San Francisco, which became the first major city to ban facial recognition in May, aims to halt the government's break-neck adoption of this error-prone technology.

To learn more about your digital privacy rights, visit [aclu.org/privacy](https://aclu.org/privacy).





## When Families Are Torn Apart

The effort to track and reunite immigrant families continues as the courts—and the ACLU—hold the government accountable.

**Earlier this year,** the ACLU won a key victory in the fight against family separation that could potentially reunite thousands of additional immigrant families. In a March ruling, federal Judge Dana Sabraw determined that children and parents separated at the border as early as July 1, 2017, could be included in an ongoing lawsuit

against the Trump administration.

The lawsuit, *Ms. L v. ICE*, was originally filed in February 2018 after the first known cases of family separation came to light. In June 2018, Judge Sabraw ordered the government to reunify approximately 2,500 children, which has since grown to 2,800, with their parents within 30 days, including any families that had been separated on or after June 26, 2018.

Lee Gelernt is deputy director of the ACLU's Immigrants' Rights Project and lead attorney on *Ms. L v. ICE*. The March ruling is "probably as important a

moment in the case as we've had since last year when the judge held family separation unconstitutional, because we're talking about potentially thousands of additional children," says Gelernt, which is "double the number of family separations that we knew about."

The ACLU first learned of the additional affected families in January, when a government report detailed that parents and potentially thousands of children had been separated at the border many months earlier than previously known. Gelernt and his team filed a motion to include these families in the ongoing

class action lawsuit, which Judge Sabraw approved over the government's objections. U.S. Department of Justice attorneys have now been tasked with identifying the affected families, an effort they claim could take two years. The ACLU challenged that timeline; in April, Judge Sabraw ordered it to be complete in six months.

Says Gelernt, "[It's] important symbolically: the court said to the government that it cannot escape responsibility. And as a practical matter, it means the difference between a parent and child never seeing each other again."

—AVIVA STAHL

See how you can help at [aclu.org/familyseparation](https://aclu.org/familyseparation).



# The Truth About Asylum

ACLU president, law professor, and constitutional scholar Susan N. Herman answers your most pressing questions about civil liberties and the rule of law.



Q:

**Is it true, as the Trump administration claims, that most people seeking asylum in the U.S. are “fraudsters,” and that’s why 20 percent are granted admission?**

It’s not true. Asylum seekers are initially screened to determine “a credible fear” of harm on the basis of color, politics, religion, nationality, or membership in a social group (such as victims of domestic violence). Most people pass this test; however, those who are subsequently detained and/or fail to get a lawyer often abandon their claims. That doesn’t mean their claims lack merit. And given the two-year backlog of asylum cases, it’s impossible to generalize about outcomes. Unfortunately, it’s our government that’s gaming the system.

**I read the Equality Act will expand protections for LGBTQ people but could negatively impact women’s sports. Is that possible?**

No. The Equality Act ensures that LGBTQ students and people, including women and girls who are lesbian, bisexual, or transgender, will have the same opportunity to participate in women’s sports as their peers. Because transgender women and girls are women and girls, nothing about their participation undermines existing sports

categories and activities. In fact, the Equality Act would add critical new protections from sex discrimination by businesses and federally funded programs for all women.

**I’m worried that sites like Facebook are tracking my activity. Is this a violation of my rights?**

Data mining is not inherently illegal, but it can be if discrimination is involved. Facing legal pressure from the ACLU and others, Facebook recently agreed to stop using its paid advertising platform to steer ads for jobs, housing, or credit on the basis of race, sex, age, or other protected classes. We’ll be watching to ensure that other tech companies follow Facebook’s lead.

**With voting rights being curtailed across the country, what can we do to ensure everyone has access to the ballot in 2020?**

In the 2018 midterms, the ACLU’s 1.5 million members and 4 million online activists played a key role in expanding ballot access by promoting successful initiatives in the battleground states of Florida, Michigan, and Nevada. Go to [rightsforall.us](https://rightsforall.us) to find out how you can help us get out the vote in 2020! —



Please send your questions to [ACLUmagazine@aclu.org](mailto:ACLUmagazine@aclu.org).



# The Citizenship Question

**In a bid to reshape the political landscape and marginalize immigrants, the Trump administration tried to ask about citizenship status on the 2020 census. The ACLU blocked those efforts.**

by **MICHAEL HARDY**

**THE U.S. CENSUS** is among the most important yet least appreciated institutions of American government. Required by the Constitution and conducted every 10 years since 1790, the decennial population count determines how many congressional seats are awarded to each state and how congressional districts are drawn within those states. The federal government distributes around \$675 billion for social service, health, and education programs each year based on the census, which also helps guide billions more in spending by private businesses and nonprofits.

Apportioning representatives based on population seems like common sense today, but the U.S. Census was the first of its kind in the world, an ambitious Enlightenment-era experiment in statistical science. Although the format of the census has changed—from an in-person count to a mailed-in questionnaire to, for the first time in 2020, an online-form option—its purpose remains the same: to obtain the most accurate possible count of the total number of people living in the U.S.

“The census is one of the few functions of the federal government that’s enshrined in the Constitution,” says Dale Ho, director of the ACLU’s Voting Rights Project. “It’s the basis for the division of political power in this country. It’s the basis for the federal statistical system, which governments at all levels use to allocate funding. It’s literally a statement of who we are as a country.”

That’s why Commerce Secretary Wilbur Ross’ announcement last year that the 2020 census would include a question asking whether the respondent was a U.S. citizen prompted an immediate backlash. The last time a citizenship question was included on the decennial census form sent to all households was 1950. From a constitutional perspective, the question is unnecessary, since the purpose of the census is to count all people living in the country, citizen or not.

Ross, who as head of the Department of Commerce is in charge of conducting the census, said he was adding the question at the request of the Department of Justice, which he claimed needed

illustrations by **PABLO DELCAN**



Is this person a citizen of the United States?

☐

Yes, born in the United States

☐

Yes, born in Puerto Rico, Guam, the U.S. Virgin Islands, or Northern Marianas

☐

Yes, born abroad of U.S. citizen parent or parents

☐

Yes, U.S. citizen by naturalization – Print your date of naturalization

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☒

No, not a U.S. citizen





**“The census is the basis for the federal statistical system, which governments use to allocate funding. It’s literally a statement of who we are as a country.”**





block-level citizenship data to better enforce the Voting Rights Act. But that story quickly unraveled. The ACLU discovered that Ross, encouraged by anti-immigration ideologues Stephen Bannon and Kris Kobach, had been considering adding the question since Trump first took office.

The Census Bureau vigorously pushed back against Ross, arguing that adding the question would result in a significant undercount of immigrant families, who might refuse to answer the question. Ross appealed directly to the Justice Department to issue a request for the question. At first, they declined. Finally, under intense pressure from Ross, a Justice Department official wrote the Census Bureau in December 2017 formally requesting the citizenship question be added.

“The idea that Donald Trump’s Justice Department wanted the data to better enforce the Voting Rights Act is ludicrous,” says Ho. “There’s no credible case that can be made that the Voting Rights Act is a priority of this administration.”

To prove it, Ho and the ACLU decided, once again, to take the Trump administration to court. In June 2018, the ACLU filed a lawsuit in the Southern District of New York seeking to stop the citizenship question. “We’ve been involved in a lot of fights against the administration,” says George Escobar, chief of programs and services of the Maryland-based immigrants’ rights group CASA, one of the plaintiffs in the lawsuit. “This seemed like another attack on the immigrant community. It was an attempt to suppress our numbers, reduce the funds that are sent to service our community, and affect our representation in Congress.”

Maryland, along with other states with large immigrant populations, such as California and Texas, stands to lose political representation and federal resources if the 2020 census undercounts its population. “The citizenship question would have deterred people of color and people with immigrants in their families from responding to the census,” says Maryland Attorney General Brian Frosh. “That had the potential to reduce our representation in Congress. It had the certainty of reducing our share of federal aid in all types of areas—housing, health care, transportation, education.”

And that, Frosh believes, was the Trump administration’s purpose in adding the citizenship question, as a way “to suppress the vote, especially the vote of people of color. The evidence shows that the administration came up with this strategy as a way to reduce the count of immigrants and minorities.”

## The Census’ Reach

American businesses rely on accurate census data. Retailers use it to decide where to open stores and what products to sell. Telecom companies use it to choose the location of cell towers. Health care companies build hospitals based on it. That’s why an array of business groups lobbied the Trump administration against including the citizenship question.

**WHEN THE** administration ignored their concerns, many corporations threw their support behind the ACLU’s lawsuit. In an amicus curiae brief to the Supreme Court, 25 businesses and business groups—Levi Strauss & Co., Lyft, and Ben & Jerry’s among them—wrote that “an inaccurate census count will harm businesses and the communities in which they serve.”

**AS IN PREVIOUS** censuses, businesses will play a big role in encouraging people to participate. Those efforts will be more necessary than ever in 2020 to overcome the climate of fear stoked by the administration.

**ARTICLE I, SECTION 2** of the Constitution declares that the population must be counted by an “actual Enumeration” conducted every 10 years “in such Manner as [Congress] shall by law direct.” A citizenship question first appeared on America’s fourth census, in 1820, and reappeared at the end of the 19th century. It remained on the census until 1950, the last year that the census was primarily conducted using door-to-door enumerators. After that, the citizenship question only appeared on the so-called long-form questionnaire, which is sent to a small sample of the population.

“There have been major advances in statistical science since 1950,” says Sarah Brannon, managing attorney of the ACLU’s Voting Rights Project. “Before, the Census Bureau didn’t really understand the potential for undercounts among specific racial groups. There’s a definite racial trend in the people who choose not to answer the census, and they’ve been able to figure out which kinds of questions result in people not answering.”

The citizenship question remained on the long-form questionnaire until 2000, when the Census Bureau replaced it with the annual American Community Survey (ACS). Because the stakes are lower with the ACS, which plays no role in determining congressional representation, adding a citizenship question was judged less harmful than including it on the full decennial census.

A recent Harvard University study made clear the danger of adding a citizenship question. Last year, researchers sent sample census questionnaires to more than 9,000 randomly chosen U.S. residents. Half of the questionnaires included a citizenship question; half omitted it. According to the survey, respondents who received the version with the citizenship question were significantly more likely to refuse to answer at least some of the questions, “with particularly strong effects among Hispanics, [who are] less likely to report having members of their household who are of Hispanic ethnicity.”

Extrapolating their findings to the full population, the researchers predicted that including a citizenship question on the 2020 census would reduce the reported Hispanic population by around 6.07 million from the 2010 census—a staggering 12.03 percent decline. And that’s a conservative estimate. “We likely underestimated the nonresponse rates,” says Matthew Baum, professor of global communication at Harvard Kennedy School of Government and one of the study’s authors. “We aren’t the government. People knew we couldn’t harm them.”



Maya, a 37-year-old Mexican immigrant who has been living in Maryland for the past 14 years, is just the kind of person statisticians worry won't respond to the census. Like many immigrants, her household is mixed status: while Maya herself is undocumented, her 10-year-old daughter was born in the U.S. and is an American citizen. "There are people here with all different types of status who will be afraid of answering the census," says Maya, who declined to give her last name, "and may choose not to participate."

When CASA sent out a call for volunteers to serve as witnesses in the ACLU's lawsuit, Maya stepped forward, agreeing to give a deposition stating her fears. (Such testimony is necessary to establish the plaintiffs' legal standing.) "If I don't act, no one else will," Maya says. "I had the opportunity to act on behalf of everyone else that is suffering under this administration."

Latinos weren't the only immigrant group targeted by the citizenship question. Internal research conducted by the American-Arab Anti-Discrimination Committee, another plaintiff in the lawsuit, found that nearly one in three Arab Americans might not have responded to the census if it asked for their citizenship status. "People fear the data will be given to ICE to facilitate deportations," says the group's president, Samer Khalaf. "And there's also a general fear that law enforcement will use this data to target our community."

In depositions and court appearances, even Trump administration officials have been forced to admit that including the citizenship question would have reduced response rates. But, they argue, the Census Bureau could have corrected that undercount. Over the decades, the bureau has developed sophisticated ways to impute missing data from existing data. It can also send census workers, known as enumerators, to collect the data face-to-face.

But, in part because of the Trump administration's own anti-immigrant policies and rhetoric, neither of these remedies may have worked. "If you have biased data and there are missing values, imputing the missing values from that data is simply going to carry that bias forward," Baum explains. "In fact, the bias seems to get even worse." Nor would sending enumerators door to door be likely to compel nonrespondents to answer the questionnaire. "If people are unwilling to return a form because the form asks if they're a citizen, they aren't going to answer the door when someone knocks and says, 'I'm from the federal government and I want to ask you the same questions,'" says Ho.

## How You Can Help

Response rates to Census Bureau surveys have been falling in recent years. To make sure everyone is counted, here are simple steps you can take.

**1. EDUCATE** your social networks about the importance of the census in distributing political power and federal funding. Spread the word: The government is prohibited from sharing individual-level census data with law enforcement or ICE.

**2. VOLUNTEER** with your local get-out-the-count organization. Statewide organizations such as New York Counts 2020, the Massachusetts Voter Table, and Be Counted Michigan 2020 are helping coordinate ground-level efforts.

**3. IF YOU KNOW** a second language, consider volunteering to help non-English speakers complete the census. Remember that the Constitution requires the census to count all U.S. residents regardless of legal status.

To learn about how you can "get out the count," visit [aclu.org/census-2020](https://aclu.org/census-2020).

**DEPRESSING IMMIGRANT** response rates wasn't the Trump administration's only motivation for adding a citizenship question. Republicans in several state legislatures have already announced their desire to use citizenship data collected by the 2020 census to pursue the controversial idea of citizen-only electoral districts. The Supreme Court has ruled that federal congressional districts must be drawn so as to include approximately equal numbers of residents, regardless of legal status. But the court left open the possibility that states could draw their local legislative districts according to different criteria.

Drawing legislative districts based only on their number of eligible voters risks disempowering undocumented immigrant communities, who may find themselves represented by distant legislators. Although only U.S. citizens are eligible to vote, lawmakers are supposed to represent the interests of all the people in their districts, not just the voting population. Not coincidentally, switching to citizen-only districts would likely increase the number of Republican state representatives at the expense of Democrats, whose districts tend to include higher percentages of immigrants.

The ACLU's lawsuit went to trial in November 2018 in the Southern District of New York. After eight days of hearings, Judge Jesse Furman ruled in favor of the plaintiffs, issuing an injunction keeping the citizenship question off the 2020 census. In a long, scathing opinion, he found that Secretary Ross' decision violated the Administrative Procedure Act, which requires that bureaucratic decisions must not be "arbitrary or capricious." Ross, Furman wrote, "alternately ignored, cherry-picked, or badly misconstrued the evidence in the record before him, and failed to justify significant departures from past policies and practices—a veritable smorgasbord of classic, clear-cut APA violations."

The Trump administration appealed the decision directly to the Supreme Court, which agreed to hear the case, bypassing the federal circuit court of appeals in the interest of time—the government claimed they had to start printing the census forms in July. On April 23, Dale Ho was one of the three lawyers to argue the case in front of the Supreme Court.

A few weeks later, a wrench was thrown into the case with the discovery that the late Republican strategist Thomas Hofeller, who has been called the "Michelangelo of gerrymandering," was deeply involved in Ross' decision to add the citizenship question. After Hofeller's death in 2018, his daughter discovered files on his external hard drives, including a 2015



study he conducted showing that adding the question would “be advantageous to Republicans and non-Hispanic Whites.” The files also contained an early draft Hofeller wrote of the notorious 2017 Justice Department letter citing the need to better enforce the Voting Rights Act as a pretext for adding the question.

On June 27, the final day of the Supreme Court’s term, the court ruled in the ACLU’s favor, stating that the Trump administration’s justification for adding the citizenship question—that it needed the data to better enforce the Voting Rights Act—was “contrived” and “a distraction.” “Altogether, the evidence tells a story that does not match the explanation [Secretary Ross] gave for his decision,” wrote Chief Justice John Roberts.

“This decision reaffirms the basic principle that agencies have to be truthful with the public for the actions they take,” Ho said after the ruling. “It’s a win for all of us.”

Writing for the majority, Roberts found that the administration has the authority to add a citizenship question, but that it must provide legitimate reasons for the addition. The Trump administration was out of time—after all, it had been claiming for months that the census questionnaires needed to be ready to start printing by June 30. On July 2, a Justice Department lawyer informed the ACLU that a decision had been made to print the 2020 census questionnaire without the citizenship question. The following day, President Trump contradicted multiple federal agencies when he announced on Twitter that the census would ask about citizenship. The Department of Justice then reversed its position and informed the ACLU, through updated court filings, that it was reevaluating all available options. Hours after the ACLU threatened additional legal action, on July 11, Trump announced he was giving up his bid to add a citizenship question to the 2020 census.

Still, experts worry that the climate of fear created by the Trump administration will depress census response rates among undocumented households, even without asking about citizenship. Fortunately, the ACLU and immigrants’ rights groups have spent years preparing for this challenge. “We have a two-pronged strategy,” says Steven Choi, executive director of the New York Immigration Coalition. “One, we

have to fight for the confidentiality and security of the data that’s collected. And two, we need to figure out what message to send out to make sure that people will participate.”

In 2018 Choi helped launch New York Counts 2020, a statewide, nonpartisan coalition of dozens of community, religious, education, and business groups. The initiative has secured \$20 million in funding from the state of New York to carry out a massive get-out-the-count effort, which will include dispatching an army of iPad-wielding social workers to help people fill out the census.

“For every New Yorker that’s not counted, that’s \$3,000 in federal revenue lost,” Choi says. “After

**“The administration wants to undercount immigrant communities so they receive less representation and resources. Our hope is that everyone will participate in the census.”**

the 2010 census, New York lost two congressional seats, and this time New York is projected to lose the most seats of any state in the country. So the stakes when it comes to money and power are tremendous.” Similar efforts to New York Counts 2020 are currently underway, with the goal of maximizing response rates.

Completing the census is, after all, required by law. And despite concerns over what the administration will do with the data, immigrants’ rights groups are encouraging their members to participate. “The administration wants to undercount immigrant communities and communities of color so they receive less representation and resources,” says Ho. “Our hope is that everyone will participate in the census. If they don’t, the administration wins.”

Beyond 2020, Ho and the ACLU will be monitoring the administration closely to make sure it doesn’t misuse whatever data it collects. Federal law prohibits individual-level census data from being shared with law enforcement agencies, including ICE. And if the administration violates that law? “We’ll take them to court,” Ho promises. “Yet again.” ■



photographs by **CHRISTOPHER GREGORY**





# Fleeting Protection



The Trump administration seeks to end an almost 30-year-old immigration program. Immigrants from six volatile countries are at risk, and their children face an impossible choice: stay in the U.S. without their parents or move to countries they've never known.

by **TASBEEH HERWEES**



## On a Saturday afternoon, the Mare Island Sports Complex

in Vallejo, California, is brimming with youthful energy, the juvenile screeches of young girls and boys echoing off its high aluminum walls. Crista Ramos, 15, is on the soccer field. She wants to be a professional soccer player one day, so every game, and every practice, is a prelude to the rest of her life.

As the defender, she's tasked with protecting the goalpost. She propels her lanky body from one side of the field to the other, attempting to make contact with the ball. If her team wins, they get to play another game in the finals today.

"She has to attend a quinceañera after," Cristina Morales, her mother, tells me, as she anxiously watches from the stands.

Her father is here too, pacing up and down the field. Her brother, Diego, is also watching. Soccer is a Ramos family activity. There are, in fact, two things that govern their daily schedules, and the cadence of their lives: soccer and, more recently, the lawsuit they are involved in against the federal government.

Crista is the lead plaintiff in *Ramos v. Nielsen*, an ACLU lawsuit against the Department of Homeland Security (DHS) for its efforts to terminate the Temporary Protected Status (TPS) designation for immigrants from four countries: Haiti, Sudan, Nicaragua, and El Salvador. Cristina, who is also part of the lawsuit, came here from El Salvador in 1993, at 12 years old, and received TPS status in 2001. When the Trump administration announced in January 2017 its intentions to end TPS, the implications for

Crista Ramos, with her mother, Cristina Morales, a TPS holder, takes a break from soccer practice at Kennedy High School in Richmond, California.







the Ramos family were very clear: Cristina would lose her right to stay in the U.S.—the only place she’s lived for the past 26 years—and her family would have to choose between staying in the country without her or going back to El Salvador, a place her children have never known.

Last year, Crista and her mother joined more than a dozen other TPS holders and children of TPS holders to file a lawsuit against DHS in San Francisco. Since then, the Trump administration has announced the termination of TPS for people from two additional countries, Nepal and Honduras, and the ACLU filed a second companion suit on behalf of TPS holders for those countries. Over the past two years, the administration has been systematically dismantling the TPS program, stripping its protection for 98 percent of people who were previously safeguarded by its policies when President Trump was sworn into office. If implemented, the terminations would affect more than 400,000 people, many of whom, like Cristina, have been lawfully living in the U.S. for decades and have children who hold citizenship, like Crista. They would face imminent deportation.

Crista and Cristina’s case, in many ways, typifies the depth of trauma that will be inflicted on TPS holders and their children—which is why they have become the most prominent faces of the fight to stop the government from revoking their right to lawfully live and work in the U.S. It is a fight that now consumes a large portion of their daily lives. On the Saturday that we talk, they have soccer games and quinceañeras; but the next day, they have a meeting with the local chapter of the National TPS Alliance and phone calls with ACLU attorneys.

“When she decided to be a part of this lawsuit, I was shocked, because she’s shy,” says Cristina. “She fights for her rights at home, but at school she’s very quiet.” Crista is now helping organize a TPS alliance group for children of TPS holders, and she’s even thinking about becoming an immigration lawyer. Last October, she, along with other children of TPS holders, traveled to Italy to meet the pope and ask for his support. He told them to keep fighting because “migrating is a human right.”

**C**ristina remembers the exact moment she heard about the president’s intent to terminate TPS for people from El Salvador. She was at work—she’s the director of the extended care program at Crista’s school in Marin County.

“When you work with kids, you have to hold your feelings, so I had to hold my fears, my anger, my frus-





**“We just want our families to stay together...to keep**





tration,” she says. “So many things went through my mind. I finished the day, did my work, came home, watched the news, and it was not denial anymore.”

All day, she received texts from concerned friends and family. “It left me with this big deep hole inside of me,” she says. “And a pain that...you can only feel when you’re about to lose something that you love so much.”

By all definitions, San Pablo, California, is Cristina’s home. In 1993, at the age of 12, she boarded a flight as an unaccompanied minor, leaving behind her brother and sister. Her mother was already here, having previously escaped the domestic violence she faced back in El Salvador. Cristina remembers being in awe of American televisions. “I used to watch TV at the neighbor’s house,” she says, about El Salvador. Here she could watch her favorite TV shows on her own television. “It was like a dream come true.”

She enrolled in school for the first time and began building a new life. “When I went to school, there were newcomers from Grenada, India, Haiti, Mexico, El Salvador, Guatemala,” she remembers. “And so, the classroom was a new experience.” She bonded

So TPS holders, especially those who come from places of long-standing unrest like El Salvador, had no reason to doubt the program would continue. Cristina compares the process to renewing your driver’s license: It was something of a given that you would be granted extensions, especially because TPS holders, after all, are contributing members of their local communities. They’ve lived here for years. They’ve worked here for years. Many of them now have children who are born U.S. citizens. The Haiti program has been in place since 2010; Nicaragua since 1999; Sudan since 1997; and El Salvador since 2001.

“[When] you’re under TPS, you no longer feel like it’s temporary. It’s part of who you are,” says Cristina. “You feel part of this country. ... Not many immigrants have the opportunity to have documents, so it’s a privilege.”

Now, along with more than 400,000 other TPS holders, Cristina must face the possibility that that “privilege” will be taken away.

**“T**he numbers are not that precise, but [there are] something like 250,000 U.S. citizen children of those TPS holders—most of them are school-age. The Trump administration has forced them into this impossible choice,” says Ahilan Arulanantham, a senior attorney with the ACLU of Southern California. “They’re not being separated from their families from a technical legal standpoint. But if TPS is terminated, these children can’t both live in their country and live with their parents at the same time.”

TPS was established by Congress as part of the Immigration Act of 1990, as a form of humanitarian relief, providing an opportunity to people from war-stricken or disaster-stricken countries to lawfully reside in the U.S. Under the program, foreign states could earn designations based on ongoing conflict, environmental disasters, or conditions that prevent immigrants from safely returning to their home countries. The Trump administration is changing the terms by which these states are designated, reneging on the promise of providing safe harbor to people seeking refuge from different forms of calamity.

This threat against the TPS programs has mobilized a population that previously existed here as a somewhat invisible community. When the Trump administration announced its intent to terminate this program, TPS holders rallied together, forming alliances across the country, discovering each other for the first time. TPS status has since become an identity marker for many of them. The most active group is the National TPS Alliance, which comprises

## giving back to the community.”

immediately with her classmates from Mexico, but it was her teachers she feels grateful toward the most. They taught her English and how to read and write in Spanish. “When you’re a survivor, it’s hard to trust people,” she says. “[It was] easy for me to trust teachers. ... They supported me.”

In high school, she met her husband, Tony. Eventually they had Crista, and then Diego, and married in 2006, in a very simple ceremony. They bought a house that year in San Pablo. In between work and soccer games, Tony became a lector at their local Catholic church. Their life together in San Pablo acquired definition and depth, their roots burrowing deeper and deeper into a place that had not just become home for them, but a haven as well.

Every time the expiration date came around, Cristina renewed her TPS status. TPS extensions can last anywhere from 6 to 18 months, depending on the country and its status. These are countries that have been ravaged by war, famine, environmental disaster, or political instability. And every year since she arrived, El Salvador has qualified for renewal on the basis that the living conditions are extremely difficult and that the lives of former residents could be endangered upon return.

Above: Crista rehearses for a friend’s upcoming quinceañera, a rite of passage for 15-year-olds, in San Rafael, California. Left: Cristina and Crista listen to a congressional committee vote on H.R. 6. The immigration bill passed the U.S. House of Representatives in June and would provide a pathway to citizenship for 2.5 million people, including TPS holders and Dreamers.



40 committees nationwide. Crista and Cristina organize with the local chapter and go to meetings at the office in nearby El Cerrito.

They've traveled all over the country meeting other TPS holders and children of TPS holders. One of them is Donaldo Posadas Caceres, who came to the U.S. from Honduras with his family in 1998, escaping the environmental devastation of Hurricane Mitch, one of the most catastrophic hurricanes in modern history. "It was both poverty and violent crimes happening in the country during that time that made me decide to come to this country," says Caceres.

He found a job as a painter, helped build the Chesapeake Bay Bridge, and joined the painters' union. "I've had TPS for a long time," he said through a translator. "And every time we would renew it, it wasn't fear that I had; it was more like hope that one day, finally, we'll find a way to make this permanent."

Like Cristina, Caceres has also had a child while living here; his 10-year-old daughter is a citizen. She's also a plaintiff in *Ramos v. Nielsen*. When the ACLU attorneys on the case asked her what she wanted to be when she grew up, she responded that she wanted to be president of the United States. "Why?" the attorneys asked her. Because, she said, she wanted to help prevent families like hers from being separated. Neidi Dominguez, an advocate who was in the room at the time, said that everyone was crying. "She is a very smart girl," Caceres told me through Dominguez. "And I don't only say that because I'm her dad. She is really smart. And she is really good at working with others and finding solutions."

There are also people like Hiwaida Elarabi. Originally from Sudan, Elarabi came to the U.S. on a visitor's visa in 1997. But while she was here, national security in her home country deteriorated, making it impossible for her to go back. When Sudan was given a TPS designation, she successfully applied for status and has lived here ever since. Now 56 years old, she works as a coordinator for Western Governors University.

"It's hard to imagine [leaving]," she says. "My life is here in the U.S. For me, living here—this is home."

Elarabi came to the U.S. as an adult, but the experience allowed her to start life anew, in a fresh place. Here, she is able to earn the living she wants, through the work that she does, without regularly confronting violent existential threats. It's what every TPS holder wants for themselves.

"They're just like you," she says, of TPS holders. "They are your neighbors. They can be friends with your kids at school. They are teachers, doctors, taxi

drivers, construction workers. You will find them everywhere. They...are working. They pay taxes. They are Americans in all aspects, just not on paper."

**A** lready, there are victories to celebrate. In October, Judge Edward Chen issued a preliminary injunction, effectively prohibiting the government from terminating TPS designations pending the outcome of *Ramos v. Nielsen*. "The balance of hardships thus tips sharply in favor of TPS beneficiaries and their families," reads the court order. "[Plaintiffs] have presented a substantial record supporting their claim that the acting secretary or secretary of DHS, in deciding to terminate the TPS status of Haiti, El Salvador, Nicaragua, and Sudan, changed the criteria applied by the prior administrations, and did so without any explanation or justification in violation of the Administrative Procedure Act."

It's an order that brings hope to the hundreds of thousands of people affected by this case. And they all reiterate the same desire: the right to live in a country that initially received them with love and in the places where they have become critical

## "[When] you're under TPS, you

members of their communities. They comprise the social fabric that knits America together.

"We are hopeful that we will win our lawsuit, but we don't see that as the goal," says Arulanantham. "Victory is permanent residence for TPS holders."

"We're not asking for money," says Cristina. "We just want our families to stay together, to provide for our family...to keep giving back to the community and to keep this country safe."

The concept of "safety" has proved elusive to Cristina and her family since the termination was announced. She's started to feel fear, and so have her kids. A few weeks ago, Diego came down with the flu. He started having nightmares in which he was being chased and torn away from his mother. Cristina wants to return to the safety they once felt living here, and spends a lot of time cultivating a sense of security in their home. She just hopes that, one day, they can feel safe again outside of it.

"It's my kids, my husband, and I in this house," she says. "In here, we dance, we cry, we laugh, we feel safe. ... This is where they have dreams. Their dreams are being kept safe here." ■

Above: Crista and her mother shop for quinceañera dresses. Bottom, left: Crista attends Carnaval San Francisco, an annual celebration of Latin American and Caribbean culture in the city's Mission District. Bottom, right: Cristina finds a moment of solace with her husband, Tony, and son, Diego.





**no longer feel like it's temporary. It's part of who you are."**





NEARLY 50 YEARS  
AFTER THE  
LANDMARK  
DECISION OF  
**ROE V. WADE**,  
STATE  
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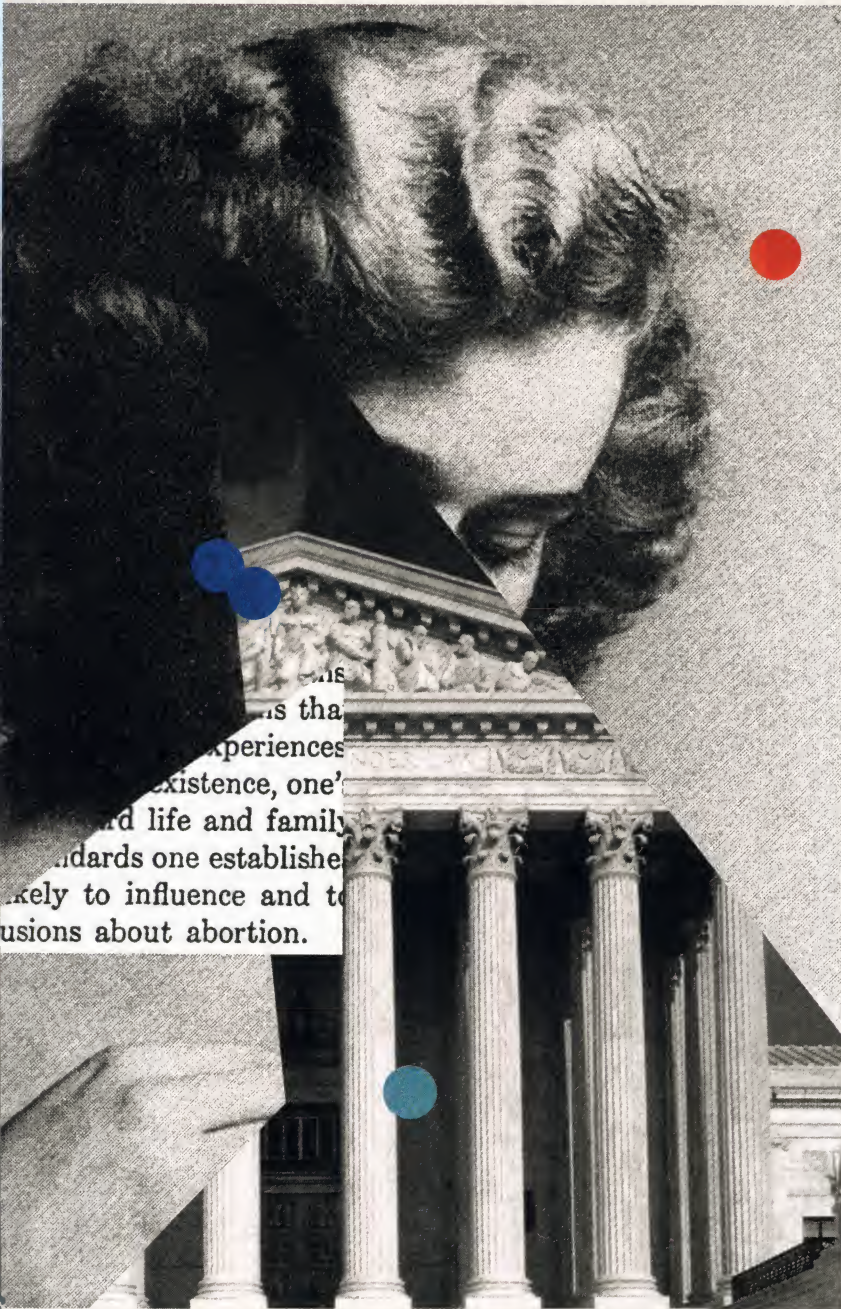
**DISMANTLING **ROE****

illustrations by **NAJEEBAH AL-GHADBAN**





by **ELEANOR GOLDBERG**



**ABORTION IS STILL LEGAL** in all 50 states. But in 2019, anti-abortion politicians have been more determined than ever to try to change that. This year alone, 28 states, at press time, have sought to eliminate access to abortion. Texas went so far as to try to make the procedure a crime punishable by death, and Alabama passed a bill that would put abortion providers in prison for up to 99 years. Since March, seven states have passed abortion bans. In response, the ACLU—in strategic, geographic coordination with the Center for Reproductive Rights and Planned Parenthood—is leading the charge to sue states for restricting access to abortion.

It may seem like the recent state bans just suddenly surfaced. But they are actually the direct result of a long-term effort on the part of anti-abortion politicians, says Jennifer Dalven, director of the ACLU's Reproductive Freedom Project. This legislation is "the culmination of a decade-long strategy by anti-abortion lobbyists to push abortion out of reach and make it impossible for a person to get an abortion."

In the past eight years, state legislatures have passed more than 475 abortion restrictions designed to chip away at abortion access. Because of these restrictions—including laws that prevent insurance companies from covering abortion care, laws that require a person to make multiple trips to an abortion provider, and laws that shut down clinics—the right



One significant factor has changed recently, though. While campaigning for president, Donald Trump vowed to nominate Supreme Court justices who would overturn the landmark 1973 decision of *Roe v. Wade*. Since his election, Trump has appointed two conservative justices with troubling records on abortion, further tipping the bench of the highest court in the country to the right. Emboldened by the president's rhetoric, anti-abortion politicians are no longer just chipping away at abortion access—they see an opening to directly challenge *Roe* by banning abortion outright. If the Supreme Court were to overturn *Roe*, it is estimated that nearly half of the states in the U.S. would ban abortion completely, according to the Center for Reproductive Rights.

clinics and providers from serving their patients' health care needs.

The ACLU continues to fight back against these restrictions and has seen important victories on the state level. For example, in 2017, the ACLU challenged an effort by Kentucky Governor Matthew Bevin to shutter the only abortion clinic in the state. Bevin's administration cited technicalities in the clinic's transfer agreements with hospitals, even though those agreements had been sufficient for years. In September, a federal judge struck down the state's law finding that it resulted in no benefit to patients and would only make it impossible for people to get an abortion in Kentucky. Last year, together with Planned Parenthood, the ACLU sued the state of Iowa over its passing of a bill that would have banned abortions at six weeks of pregnancy. In January, the district court ruled that the bill was unconstitutional. This year, the ACLU challenged similar laws in Kentucky, Ohio, and Georgia, and is suing the state of Alabama to prevent its abortion ban from ever taking effect.

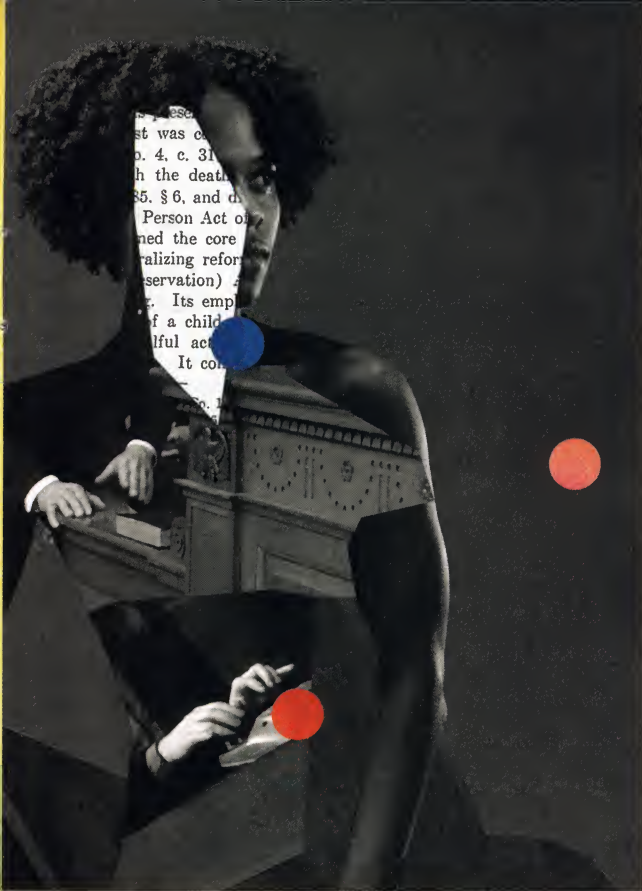
"It feels like we have to fight many of these fights again," says Beck. "But for the women who need care, particularly low-income women and those who have no access to health care, the fight is more important than ever."



25

## STATES INTRODUCED BILLS IN 2019





# 71%

OF VOTERS OPPOSE OVERTURNING *ROE V. WADE*.

## Total Abortion Bans

**ON MAY 14**, Alabama passed the strictest anti-abortion measure in the country to date, a bill that would make performing the procedure a felony, punishable by up to 99 years in prison. The following day, Governor Kay Ivey signed the bill. Alabama legislators passed the near-total ban with a clear understanding that it directly violates *Roe v. Wade*—a bold move to urge the Supreme Court to reconsider and overturn the landmark case.

The ACLU, together with Planned Parenthood, immediately challenged the legislation in a case called *Robinson v. Marshall*, on behalf of Alabama abortion

providers and their patients. The lawsuit seeks to prevent the ban from taking effect in November.

“Our patients already have to overcome so much just to get to our doors, and this law further shames them, punishes providers like myself, and stigmatizes essential health care,” says Dr. Yashica Robinson, owner and attending OB-GYN at Alabama Women’s Center, a plaintiff in the case.

For nearly a decade, the Alabama legislature has been introducing laws to push out abortion providers and prevent people from getting abortion care. But at every turn, the

ACLU returned to court to sue the state for its unconstitutional attempts to restrict abortion—and has never lost a challenge. For example, in 2016, the ACLU fought back against a bill that would have required abortion clinics within 2,000 feet of a public school to close. This bill would have led to the shuttering of two clinics that provide more than half of all abortions in the state. In fact, if it hadn’t been for litigation, every single abortion clinic in the state would have been forced to close.

It’s sometimes not enough for the ACLU to act; it also has to act swiftly.

In March, for example, the Kentucky legislature passed two abortion restrictions. One was a ban on abortions after six weeks of pregnancy, when most women aren’t yet aware that they’re pregnant, and the other would have made it illegal for a woman to get an abortion if the state disapproved of her reason. Because both bills were categorized as “emergency” declarations, they’d become effective the moment the governor signed them. The ACLU mobilized and filed a lawsuit before the governor signed and within hours got court orders blocking the bills.



# Impossible Provider Requirements

## BILLS THAT MASQUERADE

as an effort to protect women's health can be almost as harmful as those that flat-out ban abortion. In 2014, for example, lawmakers in Louisiana passed Act 620, which requires doctors performing abortions to have admitting privileges at a hospital within 30 miles of a clinic where they practice. Major medical associations such as the American Medical Association and the American College of Obstetricians and Gynecologists have made clear that such laws do "nothing to improve the health and safety of women." Rather, the law establishes standards that may be impossible to meet and would leave only a single doctor allowed to provide abortions in the state. If the act were implemented, about 70 percent of women seeking abortions in Louisiana wouldn't be able to get one.

"Many hospitals won't grant privileges to abortion

providers because they don't want to deal with the protesters or the stigma," says ACLU attorney Andrew Beck. "In addition, since abortions are very safe, providers don't admit the minimum number of patients required to qualify for privileges with the hospital."

The Center for Reproductive Rights filed *June Medical Services v. Gee*, challenging Act 620 on behalf of abortion providers and their patients in Louisiana. Two years later, in June 2016, a landmark Supreme Court ruling on a nearly identical case in Texas appeared to resolve the issue on a national level. The court found that requiring providers to have admitting privileges was unconstitutional because it presented obstacles to women seeking abortions, without providing any health benefits. In April 2017, the district court in Louisiana ruled that Act 620, which was patterned after the Texas law

because it was so successful shutting down clinics, was unconstitutional.

But last September, a divided three-judge panel of the federal appeals court reversed the district court's decision and upheld Act 620. The majority claimed that the Louisiana case and the historic Texas lawsuit were "remarkably different," a claim the dissenting judge said was contrary to Supreme Court precedent and to the evidence in the case. In January, the Center for Reproductive Rights filed an emergency application asking the Supreme Court to block the law while it pursued an appeal. Hours before the law was slated to go into effect, the Supreme Court issued a temporary stay blocking the law. The Supreme Court is now considering whether to review the case. If the court declines to block the law, there will only be a single doctor left in the state to provide abortions.



# 475+

STATE ABORTION RESTRICTIONS HAVE PASSED SINCE 2011.

Urge your legislators to support the Women's Health





# 40%

OF RESTRICTIONS INTRODUCED IN 2019 ARE ABORTION BANS.

## Beacons of Care

For every state that continues to curtail abortion access, there are others, such as New York, Maine, Illinois, Vermont, and Nevada, that are pushing for affirmative laws that protect women's health care. New York state was a leader in reproductive rights when it partially decriminalized abortion in 1970, three years before *Roe v. Wade*. But nearly 50 years later, abortion remained regulated in New York's criminal code, did not reflect constitutional protections, and prevented medical professionals from providing necessary care to patients. In some cases, women were forced to travel out of state to get the care they needed, if they could afford to do so at all.

For more than 10 years, the New York Civil Liberties Union (NYCLU) has been at the forefront of the effort to reform New York's harmful law, playing a key role in legal analysis, drafting, and advocating for reform. Earlier this year, on the 46th anniversary of *Roe v. Wade*, the state legislature passed the Reproductive Health Act (RHA).

The RHA decriminalizes abortion and adds a provision to the public health law that brings New York into line with what the Constitution requires. By removing antiquated language, the RHA clarifies that health care practitioners who are licensed, certified, and trained to provide abortion care may lawfully do so when acting within their scope of practice. These changes ensure patients have better access to the care they need.

"We are in a space and time when battle lines are being drawn on women's bodies," says Katharine Bodde, senior policy counsel at the NYCLU. "Given the enormity of pushback across the country, it's really critical for states like New York to step forward and lead the conversation in another direction. It sets the right tone and is certainly a win."







In Atlanta, an attendee (above) listens to stories of people harmed by mass incarceration, and Yehimi Cambrón (right) shows the painting she created live for auction.





# VOICES

ACLU100 EXPERIENCE

## On Tour

An exhibit celebrating the ACLU's centennial put civil liberties on display across the country.

**Yehimi Cambrón knows** she's under threat. She's Mexican, a woman, an immigrant, an artist, an educator, and an activist. She also wants to be heard. "A space where all narratives are included—that's the environment we need to be in to achieve social justice," Cambrón says.

She found that space during the ACLU100 Experience, a traveling exhibition celebrating the ACLU's upcoming centennial in 2020 that brought leading civil rights activists and interactive displays on voting rights, immigration, and mass incarceration to 14 cities and more than 36,000 attendees this spring. For the last century, the ACLU has tackled these issues head-on to ensure that marginalized communities are seen and heard—a goal of the tour itself.

At the tour's Atlanta stop in May, Cambrón painted live for auction, raising funds to support Dreamers,



CONTINUED FROM PAGE 31



like herself, who were brought to the U.S. without documentation. “To be able to be a part of this celebration with other activists was a huge affirmation that I’m not alone,” adds Cambrón.

Marisol Zenteno says that’s exactly why the tour was needed. As president of the League of Women Voters in Miami-Dade County, Zenteno fights to protect voting rights and discussed her work at the tour’s Miami stop. “This event was so important,” Zenteno says, “because a lot of people don’t realize there are watchdogs fighting for our civil liberties.”

Along with Zenteno, Mahlia Lindquist spoke in Miami about her mission as executive director of the Ladies Empowerment and Action Program, which runs a prison re-entry program and addresses how trauma and substance abuse are at the root of mass incarceration. “These are not radical ideas,” she says. “This is about the protection of basic human rights, and the exhibition really highlighted that fact.”

Activists like Zenteno and Lindquist all strive for that same protection, and thanks to the ACLU100, many were finally able to meet, according to Melba Pearson, deputy director of the ACLU of Florida. “It was magic to watch Florida groups who work in the same space, sharing the same goals, connect for the first time,” Pearson says. “ACLU100 provided a great platform for grassroots groups to showcase their work to different audiences, while finding new allies to push their work forward.” —TOM VELLNER

A visitor at the tour’s Miami stop views portraits of immigrants’ rights activists displayed inside a shipping container.



## Reform Slate

The ACLU’s Campaign for Smart Justice works to reduce the prison population, remedy racial inequities in the criminal justice system, and pass legislation that addresses unfair bail, sentencing, and parole policies. In *Charged: The New Movement to Transform American Prosecution and End Mass Incarceration*, Emily Bazelon, a staff writer at *The New York Times Magazine*, advances the conversation by exploring the outsize influence of prosecutorial power and the rampant injustices that imbalance produces. With a potent mix of investigative journalism, narrative nonfiction, and legal analysis, she tracks two cases from arrest to sentencing while highlighting the innovative efforts of compassion-minded DA offices and advocates to decrease incarceration and create a more just system. Bazelon spoke at a pair of events in April to support the ACLU of Missouri. —JAY A. FERNANDEZ

Earlier this year, the Department of Homeland Security implemented a new policy forcing asylum seekers at the border to wait in Mexico—potentially for years—for their cases to be considered or return to lives of persecution in their home countries. Artist **Lisa Larson-Walker** considers how those seeking refuge in the U.S. confront the many physical and psychological barriers placed before them with fortitude in the face of oppression.

### Get the ACLU Newsletter

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Read about the ACLU’s history at [aclu.org/100years](https://aclu.org/100years).







# Ties That Bind

ACLU activists join forces for prison reform in the Lone Star State.

**NAMES:** Maggie Luna and Kirsten Ricketts

**LOCATION:** Greater Houston, TX

**FOCUS:** Criminal Justice Reform

**VOLUNTEERS:** Since 2018

When Maggie Luna, 38, got out of prison in December 2017 after serving eight months, she knew things needed to change. Instead of going back to her old life, cycling in and out of prison, Luna started treatment for drug addiction and childhood trauma.

Earlier this year, she celebrated two years of sobriety, but the event was bittersweet. She lost custody of her three children in 2015, and she wants to make sure other parents get the support they need.

Luna joined the first class of the TSU Anthony Graves Smart Justice Speakers Bureau, an initiative between Texas Southern University, the Anthony Graves Foundation, and the ACLU of Texas, to provide public-speaking training

for people affected by the criminal justice system. At the Speakers Bureau she met Kirsten Ricketts, 49, another formerly incarcerated woman equally passionate about prison reform. In addition to providing prison ministry and engaging in advocacy, Ricketts runs a transitional housing program for women. She's seen mothers pressured to sign away their custody rights, and she helps parents with no hope of family reunification rebuild their lives.

Earlier this year, Luna and Ricketts spoke before the Texas Legislature in support of the ACLU-backed Primary Caretaker Bill, which would allow parents convicted of nonviolent offenses to be placed on community supervision instead of behind bars. Both women believe that people directly impacted by the criminal justice system should be central participants in any movement for reform. "You have to have been impacted by it to fully understand it," says Ricketts.

"The pain of losing your children just continues the cycle," adds Luna. "You have nothing left to lose after you lose your kids." —AVIVA STAHL

Maggie Luna (left) and Kirsten Ricketts (right) on TSU's campus.



PHOTOGRAPH (LEFT) BY ILANA PANICH-LINSMAN; PHOTOGRAPHS BY HANK WILLIS THOMAS AND EMILY SHUR. IN COLLABORATION WITH ERIC GOTTESMAN AND WYATT GALLERY OF FOR FREEDOMS

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Sign up to be a volunteer and dive into grassroots action by making calls, sending texts, or translating materials into Spanish.

Join a volunteer team at [peoplepower.org/volunteer](https://peoplepower.org/volunteer).





# Freedom Reimagined

By Amir Whitaker

**I was at a** social justice festival with the ACLU in 2018 when Gina Belafonte, a producer and director whose father is ACLU Ambassador Harry Belafonte, asked if I would have my photograph taken for *Four Freedoms*. Created by the artist collective For Freedoms, it's an update on Norman Rockwell's 1943 oil paintings depicting President Franklin D. Roosevelt's vision of the four basic human freedoms. Not only was I familiar with Hank Willis Thomas, one of the artists involved, but the project struck a chord with me because I fight to make access to art

Artist collective For Freedoms transformed Norman Rockwell's depictions of freedom of speech (with ACLU attorney Amir Whitaker, above, right), freedom from fear, freedom from want, and freedom of worship.

in schools a civil right as part of my work reducing the school-to-prison pipeline.

Just like Gina's initial request surprised me, the way I discovered the project went public did too: I received texts from friends saying celebrities such as Alicia Keys, Taraji P. Henson, and Kelly Rowland had posted my portrait on social media. And then I spotted it on a billboard in L.A. I had seen the original Rockwell series before, but it didn't look like the America I knew. Now, thanks to For Freedoms' update, it truly resembles our diverse country. One of the four freedoms it portrays is freedom of speech. Art lives within that freedom. It allows us to creatively resist. ■

Amir Whitaker is a staff attorney with the ACLU of Southern California. Prior to joining the ACLU, Whitaker represented incarcerated youth for the Southern Poverty Law Center.



# Section 504 Sit-In

APRIL 1977

1920–2020

**ACLU** 100  
YEARS

Drawing from  
a century of  
experience to face  
today's fights.

For 28 days, hundreds of people with disabilities staged a sit-in at a San Francisco federal building to protest the sweeping discrimination they faced in education, housing, employment, and other aspects of public life. It worked. They got Section 504 of the Rehabilitation Act signed, which ensured nondiscrimination for people with disabilities who receive federal financial aid. Their fight ushered in an unprecedented era of social change and federal protection and led to the groundbreaking passage of the Americans with Disabilities Act (ADA) in 1990. "Passage of the ADA was a turning point," says Chai Feldblum, former ACLU attorney and principal author of the ADA, "and sent a message regarding our societal values and accessibility." —TOM VELLNER

We shall  
OVERCOME



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